

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

IN RE: AQUEOUS FILM-FORMING FOAMS
PRODUCTS LIABILITY LITIGATION

MDL No. 2:18-mn-2873-RMG

This Document relates to:
ALL CASES

**DECLARATION OF MICHAEL A. LONDON IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT
ON THE FIRST ELEMENT OF THE GOVERNMENT CONTRACTOR IMMUNITY
DEFENSE**

I, Michael A. London, declare as follows:

1. I am a member of the law firm Douglas & London and Co-Lead Counsel of the Plaintiffs' Executive Committee. I submit this declaration in support of Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment on the First Element of the Government Contractor Immunity Defense.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Declaration of Plaintiffs' Expert Patrick Lowder, Ph.D, J.D. and attachments.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Deposition Transcript of Robert Darwin (Vol. I), dated Apr. 28, 2021.

4. Attached hereto as Exhibit 3 is a true and correct copy of the United States of America's Responses to Plaintiffs' First Set of Amended Requests for Admission ("US Resp. to Pls.' RFAs").

5. Attached hereto as Exhibit 4 is a true and correct copy of the Deposition Transcript of Anne Regina (Vol. II), dated Dec. 2, 2020.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Declaration of Janet K. Anderson, Ph.D. and Exhibit A (Expert Opinion of Janet K. Anderson, Ph.D., D.A.B.T., dated Nov. 22, 2019) attached thereto.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Declaration of Plaintiffs' Expert Linda S. Birnbaum, Ph.D., D.A.B.T., A.T.S. and attachments

8. Attached hereto as Exhibit 7 is a true and correct copy of the Deposition Transcript of John Butenhoff, Ph.D. (Vol. II), dated July 24, 2020

9. Attached hereto as Exhibit 8 is a true and correct copy of Carpenter, Murray, *“‘Forever chemicals,’ other pollutants found around the summit of Everest,”* The Washington Post, April 17, 2021.: Perfluorooctyl Sulfonate (PFOS)” by Mary F. Dominiak (EPA), (3M_BELL01511644).

10. Attached hereto as Exhibit 9 is a true and correct copy of the Exhibit DL156 to the Deposition of Frederick Walker, Aug. 3, 2000 presentation “Phasing Out a Problem: Perfluorooctyl Sulfonate (PFOS)” by Mary F. Dominiak (EPA), (3M_BELL01511644).

11. Attached hereto as Exhibit 10 is a true and correct copy of EPA memorandum, dated Aug. 31, 2000, re: Domestic Manufacturers or Importers of PFOS Chemicals Other Than 3M (3M_AFFF_MDL02318474).

12. Attached hereto as Exhibit 11 is a true and correct copy of the EPA Press Release, dated May 16, 2000 (3M_BELL00848209)

13. Attached hereto as Exhibit 12 is a true and correct copy of Exhibit DL104 to the

Deposition of John Butenhoff, Email from Charles Auer, dated May 16, 2000, re: Phaseout of PFOS (DOD04-00015690)

14. Attached hereto as Exhibit 13 is a true and correct copy of Exhibit DL1423 to the 30(b)(6) Deposition of John Gerber, EPA Risk Management for Per- and Polyfluoroalkyl Substances (PFAS) under TSCA

15. Attached hereto as Exhibit 14 is a true and correct copy of Investigation of Perfluorochemical (PFC) Contamination in Minnesota Phase One, Report to Senate Environment Committee, dated Feb. 2006 (3M_AFFF_MDL00354270)

16. Attached hereto as Exhibit 15 is a true and correct copy of Federal Register 68:73 (Apr. 16, 2003) p. 18626 (PENNA-NAVY-018123).

17. Attached hereto as Exhibit 16 is a true and correct copy of Exhibit DL187 to the Deposition of Michael Santoro, Presentation to EHS Minichapter, Mar. 11, 2004, M.A. Santoro (3M_AFFF_MDL01092213).

18. Attached hereto as Exhibit 17 is a true and correct copy of Exhibit 7 to the 30(b)(6) Deposition of Brian Mader (demonstrative).

19. Attached hereto as Exhibit 18 is a true and correct copy of Exhibit 8 to the 30(b)(6) Deposition of Brian Mader (demonstrative).

20. Attached hereto as Exhibit 19 is a true and correct copy of Exhibit LP2 to the Deposition of Geary Olsen, Olsen, G.W., et al. *Decline in Perfluorooctanesulfonate and Other Polyfluoroalkyl Chemicals in American Red Cross Adult Blood Donors, 2000-2006*. Environ. Sci. Technol. 2008, 42, 4989-4995.

21. Attached hereto as Exhibit 20 is a true and correct copy of Exhibit LP68 to the 30(b)(6) Deposition of John Gerber, Chronology (3M_BELL00054594).

22. Attached hereto as Exhibit 21 is a true and correct copy of the Deposition Transcript of John Butenhoff, Ph.D. (Vol. I), dated July 23, 2020.

23. Attached hereto as Exhibit 22 is a true and correct copy of U.S. Patent No. 2,519,983 (issued Aug. 22, 1950).

24. Attached hereto as Exhibit 23 is a true and correct copy of the Declaration of Plaintiffs' Expert Gregory M. Walton, P.E. and attachments.

25. Attached hereto as Exhibit 24 is a true and correct copy of the Deposition Transcript of Michael Falco, dated Nov. 18, 2020.

26. Attached hereto as Exhibit 25 is a true and correct copy of U.S. Patent 2,567,011 (issued Sept. 4, 1951) (3M_AFFF_MDL02153586).

27. Attached hereto as Exhibit 26 is a true and correct copy of Exhibit DL434 to the Deposition of Michael Falco, U.S. Patent 2,732,398 (issued Jan. 24, 1956).

28. Attached hereto as Exhibit 27 is a true and correct copy of Exhibit DL437 to the Deposition of Michael Falco, U.S. Patent 2,759,019 (issued Aug. 14, 1956).

29. Attached hereto as Exhibit 28 is a true and correct copy of Exhibit DL438 to the Deposition of Michael Falco, U.S. Patent 2,764,602 (issued Sept. 25, 1956).

30. Attached hereto as Exhibit 29 is a true and correct copy of U.S. Patent 2,809,990 (issued Oct. 15, 1957).

31. Attached hereto as Exhibit 30 is a true and correct copy of U.S. Patent 3,245,817 (issued Apr. 12, 1966).

32. Attached hereto as Exhibit 31 is a true and correct copy of Exhibit DL390 to the Deposition of Michael Falco, *Popular Mechanics*, Mar. 1952 (3M_AFFF_MDL00579820)

33. Attached hereto as Exhibit 32 is a true and correct copy of Exhibit DL124 to the

Deposition of Michael Falco, “History of the Development of ‘Light Water’ Brand Aqueous Film Forming Foam Concentrates” (3M_AFFF_MDL01297999).

34. Attached hereto as Exhibit 33 is a true and correct copy of Exhibit DL388 to the Deposition of Robert Darwin, 1961 3M Co. advertisement (US-Darwin-00006295).

35. Attached hereto as Exhibit 34 is a true and correct copy of Exhibit DL389 to the Deposition of Robert Darwin, 3M Co. advertisement (US-Darwin-00010031).

36. Attached hereto as Exhibit 35 is a true and correct copy of the Deposition Transcript of John Farley (Vol. I), dated June 24, 2021.

37. Attached hereto as Exhibit 36 is a true and correct copy of Exhibit DL13 to the Deposition of John Butenhoff, report for Commercial Chemicals Product Lines (3M_AFFF_MDL00080683).

38. Attached hereto as Exhibit 37 is a true and correct copy of Exhibit DL387 to the Deposition of Michael Falco, 3M Co. Light Water advertisement (US-Darwin-00010027).

39. Attached hereto as Exhibit 38 is a true and correct copy of Exhibit DL1385 to the Deposition of John Farley, Declaration of John P. Farley, dated Apr. 30, 2021.

40. Attached hereto as Exhibit 39 is a true and correct copy of Exhibit DL1385-4 to the Deposition of John Farley, Exhibit 4 to the Declaration of John P. Farley (PENNA-NAVY-010905).

41. Attached hereto as Exhibit 40 is a true and correct copy of Exhibit DL1336 to the Deposition of Robert Darwin, Navy memoranda on AFFF (excerpt of Navy05-00001795 at Navy05-00001825-31; a full copy can be provided upon request).

42. Attached hereto as Exhibit 41 is a true and correct copy of Exhibit BB556 to the

30(b)(6) Deposition of Eduard Kleiner, Ph.D., MIL-F-24385 QPL/QPD History for Type 6 and Type 3 AFFF.

43. Attached hereto as Exhibit 42 is a true and correct copy of Exhibit DL436 to the Deposition of Robert Darwin, MIL-F-24385, dated Nov. 21, 1969 (NAVY01-000000904).

44. Attached hereto as Exhibit 43 is a true and correct copy of MIL-PRF-24385F(SH), dated Sept. 7, 2017 (DOD01-000005595).

45. Attached hereto as Exhibit 44 is a true and correct copy of MIL-PRF-24385F(SH), dated May 7, 2019 (NAVY01-000021563).

46. Attached hereto as Exhibit 45 is a true and correct copy of 3M Advertisement for Light Water AFFF FC-200 (3M_AFFF_MDL00015412).

47. Attached hereto as Exhibit 46 is a true and correct copy of Deposition Transcript of John Prins, Ph.D., D.A.B.T., dated Jan. 21, 2021.

48. Attached hereto as Exhibit 47 is a true and correct copy of Exhibit DL49 to the Deposition of Charles Reich, "3M Phasing Out Some of its Specialty Materials," dated May 16, 2000 (3M_AFFF_MDL00207575).

49. Attached hereto as Exhibit 48 is a true and correct copy of Hughes Associates, Inc., "Estimated Quantities of Aqueous Film Forming Foam (AFFF) in the United States" (3M_AFFF_MDL01397437).

50. Attached hereto as Exhibit 49 is a true and correct copy of Exhibit BB226 to the Deposition of Larry Zobel, M.D., Index of 3M Toxicology and Human Health Studies Submitted to the U.S. Environmental Protection Agency as of September 8, 2000 (3M_BELL01639192).

51. Attached hereto as Exhibit 50 is a true and correct copy of Exhibit DL353 to the

30(b)(6) Deposition of John Gerber, Letter from 3M Co. to EPA, dated May 15, 1998, re: TSCA Section 8(e) (3M_BELL02796621).

52. Attached hereto as Exhibit 51 is a true and correct copy of Letter from Charles M. Auer (EPA) to Dr. Scott A. Masten (NIEHS), dated Aug. 7, 2003 (3M_AFFF_MDL01669634).

53. Attached hereto as Exhibit 52 is a true and correct copy of Exhibit LP193 to the Deposition of Geary Olsen, Mayer & Brown, “3M to Discontinue Some Scotchgard Repellant Products,” May 17, 2000.

54. Attached hereto as Exhibit 53 is a true and correct copy of Exhibit DL11 to the 30(b)(6) Deposition of John Gerber, 3M Co. internal memorandum, dated Aug. 20, 1975 (3M_AFFF_MDL00419718).

55. Attached hereto as Exhibit 54 is a true and correct copy of Exhibit LP207 to the 30(b)(6) Deposition of John Gerber, 3M Co. internal memorandum, dated Aug. 22, 1975 (3M_MN05382159).

56. Attached hereto as Exhibit 55 is a true and correct copy of Exhibit BB424 to the 30(b)(6) Deposition of John Gerber, 3M Co. internal memorandum, dated Sept. 22, 1975 (3M_BELL00054741).

57. Attached hereto as Exhibit 56 is a true and correct copy of Exhibit DL8 to the 30(b)(6) Deposition of John Gerber, Chronology – Fluorochemicals in Blood (3M_BELL00054589).

58. Attached hereto as Exhibit 57 is a true and correct copy of Exhibit DL9 to the 30(b)(6) Deposition of John Gerber, Central Analytical Laboratory Report No. 6448, dated Nov. 6, 1975 (3MA00967400).

59. Attached hereto as Exhibit 58 is a true and correct copy of 30(b)(6) Deposition

Transcript of John Gerber, dated Aug. 19, 2021.

60. Attached hereto as Exhibit 59 is a true and correct copy of Exhibit DL884 to the Deposition of Geary Olsen, Belisle, J. *Organic Fluorine in Human Serum: Natural Versus Industrial Sources*. Science. 212 (1981).

61. Attached hereto as Exhibit 60 is a true and correct copy of Exhibit 16 to the 30(b)(6) Deposition of Brian Mader (demonstrative).

62. Attached hereto as Exhibit 61 is a true and correct copy of Exhibit 18 to the 30(b)(6) Deposition of Brian Mader (demonstrative).

63. Attached hereto as Exhibit 62 is a true and correct copy of Exhibit 19 to the 30(b)(6) Deposition of Brian Mader (demonstrative).

64. Attached hereto as Exhibit 63 is a true and correct copy of Exhibit 20 to the 30(b)(6) Deposition of Brian Mader (demonstrative).

65. Attached hereto as Exhibit 64 is a true and correct copy of Buck, R.C., et al. *Perfluoroalkyl and Polyfluoroalkyl Substances in the Environment: Terminology, Classification, and Origins*. Integr. Environ. Assess. Manag. 2011; 7:513-541.

66. Attached hereto as Exhibit 65 is a true and correct copy of Current AFFF Market Channel (3M_BELL02641301).

67. Attached hereto as Exhibit 66 is a true and correct copy of Exhibit DL91 to the Deposition of Stephen Korzeniowski, Korzeniowski, S.H., et al. *Fluorosurfactants in Firefighting Foams: Past and Present*.

68. Attached hereto as Exhibit 67 is a true and correct copy of Exhibit DL371 to the Deposition of Robert Buck, EPA 2010/2015 PFOA Stewardship Program Guidance on Reporting Emissions and Product Content, Oct. 2006.

69. Attached hereto as Exhibit 68 is a true and correct copy of Exhibit DL93 to the Deposition of Stephen Korzeniowski, FFFC Fact Sheet on AFFF Fire Fighting Agents (2017) (Navy02-00002442).

70. Attached hereto as Exhibit 69 is a true and correct copy of Exhibit DL517 to the Deposition of Anne Regina, 2001 FFFC presentation titled “AFFF Fire Fighting Foams” (AFFF-MDL-CHE00000).

71. Attached hereto as Exhibit 70 is a true and correct copy of Deposition Transcript of Frederick K. Walker, Jr., dated May 19, 2021 (Vol. I).

72. Attached hereto as Exhibit 71 is a true and correct copy of Buck, R.C., et al. *Identification and classification of commercially relevant per- and poly-fluoroalkyl substances (PFAS)*. Integr. Environ. Assess. Manag. 2021; 17:1045–1055.

73. Attached hereto as Exhibit 72 is a true and correct copy of An Appraisal of Fluorocarbons (1952) (3M_AFFF_MDL01863928).

74. Attached hereto as Exhibit 73 is a true and correct copy of Deposition Transcript of Gregg Ublacker, dated Mar. 4, 2021 (Vol. II).

75. Attached hereto as Exhibit 74 is a true and correct copy of Exhibit DCC627 to the Deposition of Ronald Sheinson, Declaration of Ronald Sheinson, dated June 10, 2021.

76. Attached hereto as Exhibit 75 is a true and correct copy of Deposition Transcript of Todd Thomas, Ph.D., dated Sept. 16, 2020 (BASF_AFFF_MDL00005382).

77. Attached hereto as Exhibit 76 is a true and correct copy of Exhibit LP245 to the Deposition of Todd Thomas, LODYNE K81’86 Hazard Evaluations (BASF_AFFF_MDL00005382).

78. Attached hereto as Exhibit 77 is a true and correct copy of 30(b)(6) Deposition

Transcript of Ashok Moza, dated Nov. 2, 2021.

79. Attached hereto as Exhibit 78 is a true and correct copy of Deposition Transcript of William J. Fiedler, III, dated Oct. 19, 2021.

80. Attached hereto as Exhibit 79 is a true and correct copy of Deposition Transcript of Philip J. Novac, dated Mar. 18, 2021.

81. Attached hereto as Exhibit 80 is a true and correct copy of OECD (2018). "Toward a new comprehensive global database of per-polyfluoroalkyl substances (PFASs): Summary report on updated the OECD 2007 list of per and poly fluoroalkyl substances (PFASs)." Series on Risk Management No. 39, OECD.

82. Attached hereto as Exhibit 81 is a true and correct copy of Exhibit DL1385-6 to the Deposition of John Farley, Exhibit 6 to the Declaration of John P. Farley (PENNA-NAVY-020809).

83. Attached hereto as Exhibit 82 is a true and correct copy of Exhibit DL38 to the Deposition of John Butenhoff, 3M Co. MSDS for FC-206CF Light Water Brand AFFF, dated Feb. 19, 1997 (PENNA-NAVY-020452).

84. Attached hereto as Exhibit 83 is a true and correct copy of Exhibit DL39 to the Deposition of Michael Santoro, 3M Co. MSDS for FC-2303 Light Water Brand AFFF, dated May 1972 (3M_BELL00474500).

85. Attached hereto as Exhibit 84 is a true and correct copy of Exhibit DL1159 to the Deposition of Philip Novac, Ansul MSDS for Ansulite 6% AFFF (AFC-3), dated Nov. 15, 1985 (AFFFTC00045290).

86. Attached hereto as Exhibit 85 is a true and correct copy of Exhibit DL1160 to the

Deposition of Philip Novac, Ansul MSDS for Ansulite 6% AFFF (AFC-3), dated June 1, 1989 (AFFFTC00045296).

87. Attached hereto as Exhibit 86 is a true and correct copy of Exhibit DL1162 to the Deposition of Philip Novac, Ansul MSDS for Ansulite 6% AFFF (AFC-5), dated June 1, 1989 (AFFFTC00045312).

88. Attached hereto as Exhibit 87 is a true and correct copy of Exhibit DL1163 to the Deposition of Philip Novac, Ansul MSDS for Ansulite 3% AFFF (AFC-5-A), dated Nov. 15, 1985 (AFFFTC00045322).

89. Attached hereto as Exhibit 88 is a true and correct copy of Exhibit DL1164 to the Deposition of Philip Novac, Ansul MSDS for Ansulite 3% AFFF (AFC-5-A), dated June 1, 1989 (AFFFTC00045328).

90. Attached hereto as Exhibit 89 is a true and correct copy of Exhibit DL1099 to the Deposition of Gregg Ublacker, Chemguard MSDS for 6% AFFF C-601MS, dated Jan. 26, 2006.

91. Attached hereto as Exhibit 90 is a true and correct copy of Exhibit DL1103 to the Deposition of Gregg Ublacker, Ansul MSDS for Ansulite 6% AFFF (AFC-3), dated Nov. 15, 1985 (AFFFTC00045290).

92. Attached hereto as Exhibit 91 is a true and correct copy of Exhibit DL1748 to the Deposition of William Vegso, Buckeye MSDS for 3% MIL SPEC AFFF, 2008 (BF_00002499).

93. Attached hereto as Exhibit 92 is a true and correct copy of Buckeye MSDS for 3% MIL SPEC AFFF (BFC-3MS), 2012 (BF_00010323).

94. Attached hereto as Exhibit 93 is a true and correct copy of Buckeye MSDS for 3% MIL SPEC AFFF (BFC-3MS), 2004 (BF_00000606).

95. Attached hereto as Exhibit 94 is a true and correct copy of National Foam MSDS

for Aer-O-Water 3EM AFFF, 2000 (NF000000005).

96. Attached hereto as Exhibit 95 is a true and correct copy of National Foam MSDS for Aer-O-Water 6EM AFFF, 2000 (NF000000013).

97. Attached hereto as Exhibit 96 is a true and correct copy of Department of the Air Force memorandum re: Replacement and Disposal of Legacy AFFF, dated Aug. 22, 2016 (AF02-000001138).

98. Attached hereto as Exhibit 97 is a true and correct copy of Department of the Navy memorandum re: AFFF Control, Removal, and Disposal, dated June 17, 2016 (PENNA-NAVY-017115).

99. Attached hereto as Exhibit 98 is a true and correct copy of Exhibit DL53 to the Deposition of Robert Darwin, AFFF Conversion Program folder (excerpt of Navy02-00007150 at Navy02-00007167; a full copy can be provided upon request)*

100. Attached hereto as Exhibit 99 is a true and correct copy of NRL Memorandum Report 2733, A Substitute Liquid for AFFF Concentrate for Checking Proportioners, dated Feb. 1974 (Navy02-00007013).

101. Attached hereto as Exhibit 100 is a true and correct copy of 3M Co. 1976 Light Water brochure (3M_BELL03194246).

102. Attached hereto as Exhibit 101 is a true and correct copy of 3M Co. 1978 Light Water brochure (3M_BELL02617421).

103. Attached hereto as Exhibit 102 is a true and correct copy of Exhibit BB816 to the Deposition of Frederick Walker, 3M Co. letter to USAF Hospital/SGPB, dated Mar. 15, 1983, re: FC-780B AFFF (3M_BELL01440788).

104. Attached hereto as Exhibit 103 is a true and correct copy of 3M Co. letter to EPA,

dated Aug. 16, 1983, re: 3M AFFF Aquatic Toxicity (3M_BELL01440784).

105. Attached hereto as Exhibit 104 is a true and correct copy of 3M Co. Product Toxicity Summary Sheet for FC-203CF Light Water Brand AFFF, dated Mar. 29, 1993 (US-Darwin-00005906).

106. Attached hereto as Exhibit 105 is a true and correct copy of Exhibit DL65 to the Deposition of Michael Santoro, 3M internal correspondence, dated Apr. 13, 1994, re: Contamination of water tank with FC-203CE (3M_AFFF_MDL00384561).

107. Attached hereto as Exhibit 106 is a true and correct copy of Deposition Transcript of Curtis Bowling, dated Oct. 7, 2021.

108. Attached hereto as Exhibit 107 is a true and correct copy of Exhibit DCC705 to the Deposition of Curtis Bowling, EPA memorandum re: PowerPoint Presentation: EPA Activities/Issues on Fluorosurfactants (EPA01-00161541).

109. Attached hereto as Exhibit 108 is a true and correct copy of Exhibit DL480 to the Deposition of Anne Regina, Kidde Fire Fighting customer letter, dated Feb. 8, 2011 (NF000063181).

110. Attached hereto as Exhibit 109 is a true and correct copy of Deposition Transcript of Anne Regina, dated Dec. 1, 2020 (Vol. I).

111. Attached hereto as Exhibit 110 is a true and correct copy of Exhibit DL1126 to the Deposition of Philip Novac, Chemguard Specialty Chemical and Fire Suppression Products: An Environmental Statement, dated Feb. 9, 2009 (AFFFTC00196371).

112. Attached hereto as Exhibit 111 is a true and correct copy of Exhibit DL1134 to the Deposition of Philip Novac, Chemguard Fluorosurfactants Environmental Position, dated Aug. 1, 2007 (AFFFTC00418728).

113. Attached hereto as Exhibit 112 is a true and correct copy of Exhibit DL1753 to the Deposition of William Vegso, Email chain, dated June 14, 2019, re: Buckeye Foam and HB-1279 (BF_00390042).

114. Attached hereto as Exhibit 113 is a true and correct copy of the Deposition Transcript of Jim Devonshire, dated Oct. 27, 2021.

115. Attached hereto as Exhibit 114 is a true and correct copy of the Deposition Transcript of Ronald Sheinson, Ph.D., dated June 28, 2021.

116. Attached hereto as Exhibit 115 is a true and correct copy of Exhibit DL464 to the Deposition of Anne Regina, Email chain, dated Sept. 15, 2008, re: DoD Memo on PFOA (NF000165533).

117. Attached hereto as Exhibit 116 is a true and correct copy of Exhibit DL1125 to the Deposition of Philip Novac, Frequently Asked Questions: PFOS, PFOA and Firefighting Foams, dated Feb. 2017 (AFFFTC00728486).

118. Attached hereto as Exhibit 117 is a true and correct copy of Exhibit DL1135 to the Deposition of Philip Novac, Introduction to Chemguard and Chemguard Fluorosurfactants (AFFFTC00043581).

119. Attached hereto as Exhibit 118 is a true and correct copy of 30(b)(6) Deposition Transcript of Eduard Kleiner, Ph.D., dated Nov. 10, 2020 (Vol. II).

120. Attached hereto as Exhibit 119 is a true and correct copy of Air Force Civil Engineer Center Fact Sheet: PFOS/PFOA, dated Nov. 7, 2016 (AF04-00768856).

121. Attached hereto as Exhibit 120 is a true and correct copy of EPA, Provisional Health Advisories for Perfluorooctanoic Acid (PFOA) and Pefluorooctane Sulfonate (PFOS), dated Jan. 8, 2009.

122. Attached hereto as Exhibit 121 is a true and correct copy of Exhibit DL74B to the Deposition of John Butenhoff, excerpt from ATSDR Toxicological Profile for Perfluoroalkyls, dated June 2018

123. Attached hereto as Exhibit 122 is a true and correct copy of Exhibit DL455 to the Deposition of Anne Regina, EPA Technical Fact Sheet – PFOS and PFOA, dated Nov. 2017.

124. Attached hereto as Exhibit 123 is a true and correct copy of DoD Manual 4715.20, Enc. 2 (1)(a), Enc. 3 (1)(a), (b). DOD Manual § 4715.20.

125. Attached hereto as Exhibit 124 is a true and correct copy of Exhibit DL1380 to the Deposition of Frederick Walker, Email chain, dated Nov. 3, 2016, re: Air Force official defends foam use despite PFCs (Navy02-00009228).

126. Attached hereto as Exhibit 125 is a true and correct copy of 2021 Inspector General Report titled “Evaluation of the Department of Defense’s Actions to Control Contaminant Effects from Perfluoroalkyl and Polyfluoroalkyl Substances at Department of Defense Installations”

127. Attached hereto as Exhibit 126 is a true and correct copy of Exhibit DL1353 to the 30(b)(6) Deposition of John Gerber, FC-95, FC-143, and FM-3422 – 90 Day Subacute Toxicity Studies Conducted at IRDC – Review of Final Reports and Summary (3M_AFFF_MDL02174949).

128. Attached hereto as Exhibit 127 is a true and correct copy of Plaintiffs’ Exhibit List relating to Plaintiffs’ Opposition to Defendants’ Motion for Partial Summary Judgment on the First Element of the Government Contractor Immunity Defense.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 22, 2021 in New York, New York.

s/Michael A. London
Michael A. London